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International Conference in Law

Regulation of adolescents gambling – too narrow approach?

Athens, 16 July 2012



Legal snapshot of gambling regulation

- Gambling Act 2005 – substantial overhaul of gambling within UK
- Main principles
 - Permit competitive gambling by commercial enterprise
 - Subject only to
 - Possession of licence
 - Proof of probity and fairness
 - But no demand test.



Gambling and adolescents

- Legal position
 - Gambling *stricto sensu* prohibited by anyone who is under 18 years of age
 - Exception – lottery and football pools permitted for those over 16.
 - Criminal offences
 - For gambling providers – “to invite, cause or permit a child or young person to gamble or be employed in gambling” – up to 51 weeks imprisonment or up to £5000 fine
 - For young persons – “to gamble or be employed in gambling” – up to 51 weeks imprisonment or a fine up to £1000.
 - If a minor gambles all money advanced must be paid back and no winning paid, failure to do so also a criminal offence



Why children should not gamble?

- 3 to 4 times higher risk of developing problem gambling behaviour.
 - Early commencement of gambling – strongest predictor of problem gambling in adulthood?
 - Hidden addiction
 - Negative consequences more difficult to overcome
 - High comorbidity rates
 - Less likely to ask for help



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And we don't want





Minors' gambling

- Yet, despite the prohibition many still gamble
 - UK – IPSOS MORI 2008-9 – 73% of 12-15 years old gambled in the past year
 - USA – Barnes et al – 75% of children between 13 and 17 years of age gambled in the past year
 - South Australia – Delfabro et al – 56.3% of those between 13-17 gambled in the past year.
 - Canada – Derevensky et al – 31.2% between 10 and 19 gambled at least once a year.



Why?

- Can't profess definitive answer only strong suggestions:
 - Nature of the criminal offences
 - No strict liability – defence of due diligence
 - No prosecution to date despite staggering known non-compliance
 - Exceptions to the prohibition
 - Lottery and football pools
 - Non-commercial gambling
 - Fruit machines





Why

- Most significant
 - Social attitudes
 - What the Gambling Act 2005 does NOT deal with



Why?

- Social attitudes:
 - Gambling is not a problem – legitimate recreational activity
 - Lack of awareness of the risks
 - Many parents give children scratch-card or betting slips as gifts
 - May choose online gambling to gamble with children and avoid age verification procedures



Why

- Omission from Gambling Act 2005
 - Fun free practice demos on real gambling sites
 - Online gambling on stand – alone games
 - e.g. roulette on i-tunes (rated only 12); or
 - casino games on *WildTangent* (unrated)
 - Online gambling within games
 - e.g. Fluff friends and others
 - Glamorisation of gambling within movies
 - Video Recording Act 1984
 - Pan European Game Information – voluntary



Minors' online gambling

- Meaning and understanding
 - Just a game
 - the risk of “the more I play the more I win” attitude
 - Higher odds of winning on demo games
 - Understanding of odds and statistical probabilities
 - Normalisation of gambling
- Effect?
 - No money changing hands (yet) but mechanisms of gambling learnt
 - Excitement without the risks? OR Getting used to liking the play without appreciating the dangers?
 - Learning stage for real gambling?



Minors' online gambling

- Conclusion





Minors' online gambling

- Questions?

